

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

**FREEDOM FROM RELIGION
FOUNDATION, INC.; ANNIE LAURIE GAYLOR;
and DAN BARKER,**

Plaintiffs,

v.

Case No. 09-CV-439

**STEPHEN AYERS,
ACTING ARCHITECT OF
THE CAPITOL,**

Defendant.

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

The Plaintiffs move the Court for leave to file their First Amended Complaint. The proposed First Amended Complaint is attached to this Motion for the Court's consideration.

This Motion is brought pursuant to FRCP 15(a). Pursuant to Rule 15(a), a party may amend the parties' pleadings by leave of court, which leave shall be freely given, even after a responsive pleading has been filed. Rule 15(a) also expressly grants a right to amend once as a matter of course before being served with a responsive pleading; a motion to dismiss is not deemed a responsive pleading.

The defendant has consented to the filing of this motion and the filing of the amended complaint subject to the stipulation, agreed to by plaintiffs, that defendant will have 45 days

from the date of the order granting the motion to amend to respond to the amended complaint.

Dated this 8th day of December, 2009.

BOARDMAN, SUHR, CURRY & FIELD, LLP

By:

/s/ Richard L. Bolton

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CERTIFICATE OF SERVICE

I hereby certify that on December 8th, 2009, I electronically served upon the Court for filing and uploading via the CM/ECF system of the United States District Court, Western District of Wisconsin, Plaintiff's Motion For Leave to File First Amended Complaint in the above matter to go to Attorney Bryan Dearinger at bryan.dearinger@usdoj.gov via a notice of electronic filing.

Dated this 8th day of December, 2009.

**BOARDMAN, SUHR, CURRY & FIELD,
LLP**

By:

/s/ Richard L. Bolton

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